

EXHIBIT 1
UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING)
PHARMACY, INC. PRODUCTS LIABILITY)
LITIGATION)
_____)

MDL No. 2419
Dkt. No 1:13-md-2419 (RWZ)

THIS DOCUMENT RELATES TO:)
)

Suits Naming Specialty Surgery Center,)
Crossville, PLLC)
_____)

PROPOSED SCHEDULING ORDER APPLICABLE TO THE SSC CASES

July ____, 2016

Boal, M.J.

The Court hereby enters the following schedule to apply to the suits naming Specialty Surgery Center, PLLC ("SSC"). The Court notes that the SSC Defendants¹ have moved for remand of the cases to Tennessee for trial at the close of common discovery², and expressly states that entry of this order is in no way intended to impact the disposition of the motion to remand. This schedule shall apply to the SSC cases unless and until another scheduling order is entered either by this Court or the United States District Court for the Middle District of Tennessee, where the SSC cases were originally filed.

¹ Specialty Surgery Center, PLLC; Kenneth Lister, MD; Kenneth Lister, MD, PC.

² Doc. 2939.

<u>Common Discovery Schedule</u>	
Completion of Common Fact Discovery	75 days from entry of an order on the SSC Defendants' motion for protective order at Doc. 2906
Common Expert Disclosures	30 days from deadline for completion of common fact discovery
Rebuttal Common Expert Disclosures	30 days from deadline for exchange of initial common expert disclosures
Completion of Common Expert Depositions	90 days from deadline for common rebuttal expert disclosures

<u>Bellwether Selection</u>	
Each Side to Propose Two (2) Potential Bellwether Cases ³	30 days from entry of an order on the SSC Defendants' motion for protective order at Doc. 2906
Parties Jointly, or in Competing Briefs, Propose First (2) Two Trial Cases	15 days from deadline for Defendants' case-specific expert disclosures

³ The two cases selected by each side must be from different categories of injuries (i.e. one death case and one meningitis only case).

<u>Case-Specific Discovery Schedule</u>	
Service of Initial Written Fact Discovery in Four (4) Potential Trial Cases	15 days from selection of bellwether cases
Completion of Plaintiffs' Depositions	90 days from deadline for service of initial written fact discovery in four (4) potential trial cases
Plaintiffs' Case-Specific Expert Disclosures in Four (4) Remaining Potential Bellwether Cases	30 days from deadline for completion of Plaintiffs' depositions in four (4) potential trial cases
Defendant's Rebuttal Case-Specific Expert Disclosures in Four (4) Remaining Potential Bellwether Cases	30 days from deadline of exchange of case-specific expert disclosures
Completion of Case-Specific Fact and Expert Discovery in First Two (2) Trial Cases	45 days from deadline for selection of the first two (2) trial cases

<u>Motion Deadline</u>	
<i>Daubert</i> Motions and Motions for Leave to File Motions for Summary Judgment Due ⁴	30 days from deadline for completion of case-specific and expert discovery in first two (2) trial cases

All other pretrial deadlines will be set by subsequent order of the trial court.

So Ordered.

JENNIFER C. BOAL
United States Magistrate Judge

⁴ The party that seeks summary judgment shall file a motion for leave, not to exceed 5 pages, setting forth good cause for why a summary judgment motion should be allowed. Oppositions shall be filed within a week of the motion for leave and are limited to 5 pages.